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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION  
13

14 UNITED STATES OF AMERICA, )  
15 Plaintiff, )  
16 v. )  
17 KHAN QUOC TIEU, )  
18 Defendant. )  
19

No. CR 08-70284 PVT

STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING PRELIMINARY  
HEARING/ARRAIGNMENT AND  
EXCLUDING TIME FROM RULE 5.1  
AND THE SPEEDY TRIAL ACT  
CALCULATION (18 U.S.C.  
§ 3161(h)(8)(A))

20 This matter is scheduled before the Court for preliminary hearing or arraignment on  
21 August 14, 2008. Due the parties' on-going discussions regarding pre-charge negotiation and  
22 discovery in this case, the parties respectfully request that defendant's preliminary hearing or  
23 arraignment be continued until August 14, 2008. The parties agree, and the Court finds and  
24 holds, as follows:

25 1. Defendant's preliminary hearing or arraignment is continued to September 4,  
26 2008.

27 2. Time is excluded under Rule 5.1 from August 14, 2008 and September 4, 2008 in  
28 order to allow defense counsel time to confer with her client and to conduct additional pre-charge

STIPULATION AND [PROPOSED] ORDER  
CR 08-70284 PVT

1 investigation. The parties agree that the continuance is proper under Rule 5.1 of the Federal  
2 Rules of Criminal Procedure and 18 U.S.C. § 3060.

3 2. The time between August 14, 2008 and September 4, 2008 is excluded under the  
4 Speedy Trial Act. The parties agree that the failure to grant the requested would unreasonably  
5 deny defense counsel reasonable time necessary for effective preparation, taking into account the  
6 exercise of due diligence. The parties agree that the ends of justice served by granting the  
7 requested continuance outweigh the best interest of the public and the defendant in a speedy trial  
8 and in the prompt disposition of criminal cases. 18 U.S.C. § 3161(h)(8)(A).

9 IT IS SO STIPULATED:

10 DATED: 8/11/08

/s/  
ALEX PARK  
Attorney for Defendant Tieu

11  
12  
13 DATED: 8/11/08

/s/  
JOSEPH A. FAZIOLI  
Assistant United States Attorney

14  
15 IT IS SO ORDERED.

16 DATED: 8/12/08

Richard V. Seeborg  
RICHARD SEEBORG  
UNITED STATES MAGISTRATE JUDGE